HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.26199 of 2006

DATE: 12.3.2007

Between:
Sri P. Bhupal Reddy,
R/o. Kuntloor Vilalge, Hayatnagar Mandal and others.

…Petitioners

And

The District Collector,
R.R. District and others.

…

Respondents

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 26199 of 2006

Order:

The petitioners claim that they have purchased plots of different sizes carved out in Survey No.99 of Kuntloor Village, Hayatnagar Mandal, Ranga Reddy District from the respective owners. Their grievance is that when the respective sale deeds were presented before the 2nd respondent, he has refused to entertain the same on the basis of the instructions issued by the 1st respondent not to register the documents unless 'No Objection Certificate' issued by the revenue authorities is produced. They seek appropriate directions in this regard and rely upon a memo dated 28.4.2006 issued by the 1st respondent.

The 2nd respondent filed a counter affidavit stating that the sale deeds have not yet been presented before him and that as and when they are presented they would be processed in accordance with law.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The apprehension of the petitioners that their documents are not considered on the strength of any notification issued under Section 22-A of the Registration Act is without any basis, inasmuch as, the said provision was struck down by this Court. So far as instructions said to have been issued by the 2nd respondent that a 'No Objection Certificate' must be produced before any registration is effected, it is clear from the memo issued by the 1st respondent himself on 28.4.2006 that he has withdrawn his instructions issued through proceedings dated 6.2.2001. Further, this Court held the instructions to be illegal. Where, however, the land is assigned and the plots are part of any assigned land, totally different connotations would arise and the prohibition contained under Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (hereinafter called 'the Act') would get attracted.

For the foregoing reasons, the 2nd respondent is directed to process the sale deeds presented by the petitioners without reference to notifications, if any, issued under Section 22-A or the Circulars issued by the 1st respondent requiring 'No Objection Certificate'. However, he shall

take into account the provisions of the Act in case it is found that the plots covered by the sale deeds are part of any assigned lands.

The writ petition is accordingly disposed of. No costs.

_____

L. NARASIMHA REDDY,J

Date: 12th March, 2007

pnb